

E-FILED February 8, 2007

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 Attorneys for Debtors and Debtors-in-Possession

**UNITED STATES BANKRUPTCY COURT
 DISTRICT OF NEVADA**

In re:
 USA COMMERCIAL MORTGAGE COMPANY,
 Debtor.

In re:
 USA CAPITAL REALTY ADVISORS, LLC,
 Debtor.

In re:
 USA CAPITAL DIVERSIFIED TRUST DEED
 FUND, LLC,
 Debtor.

In re:
 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 Debtor.

In re:
 USA SECURITIES, LLC,
 Debtor.

Affects:

- ☒ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC

Case No. BK-S-06-10725 LBR
 Case No. BK-S-06-10726 LBR
 Case No. BK-S-06-10727 LBR
 Case No. BK-S-06-10728 LBR
 Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under
 Case No. BK-S-06-10725 LBR

**NOTICE OF ENTRY OF ORDER
 SECOND STIPULATION AND
 ORDER RE MODIFICATION OF
 ADMINISTRATIVE ORDER
 ESTABLISHING PROCEDURES FOR
 INTERIM COMPENSATION AND
 REIMBURSEMENT OF EXPENSES
 OF PROFESSIONALS (AFFECTS
 ALL DEBTORS)**

Date: June 21, 2006
 Time: 9:30 a.m.

SCHWARTZER & MCPHERSON LAW FIRM
 2850 South Jones Boulevard, Suite 1
 Las Vegas, Nevada 89146-5308
 Tel: (702) 228-7590 · Fax: (702) 892-0122

1
2 TO ALL PARTIES IN INTEREST:

3 NOTICE IS HEREBY GIVEN that an Second Stipulation And Order RE Modification Of
4 Administrative Order Establishing Procedures For Interim Compensation And Reimbursement Of
5 Expenses Of Professionals (Affects All Debtors) was entered on February 7, 2007, a copy of
6 which is attached hereto.

7 Dated this 8th day of February, 2007

8 RAY, QUINNEY & NEBEKER, P.C.
9 and SCHWARTZER & MCPHERSON LAW FIRM

10 By: /s/ Jeanette E. McPherson
11 Lenard E. Schwartzer, Esq.
12 Jeanette E. McPherson, Esq.
13 *Attorneys for the Debtors and Debtors in Possession*
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Entered on Docket
February 07, 2007

Hon. Linda B. Riegler
United States Bankruptcy Judge

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Attorneys for Debtors and Debtors-in-Possession

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

Case No. BK-S-06-10725 LBR
Case No. BK-S-06-10726 LBR
Case No. BK-S-06-10727 LBR
Case No. BK-S-06-10728 LBR
Case No. BK-S-06-10729 LBR

In re:
USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

Chapter 11

In re:
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
Debtor.

Jointly Administered Under
Case No. BK-S-06-10725 LBR

In re:
USA CAPITAL FIRST TRUST DEED FUND,
LLC,
Debtor.

**SECOND STIPULATION AND
ORDER RE MODIFICATION OF
ADMINISTRATIVE ORDER
ESTABLISHING PROCEDURES FOR
INTERIM COMPENSATION AND
REIMBURSEMENT OF EXPENSES
OF PROFESSIONALS (AFFECTS ALL
DEBTORS)**

In re:
USA SECURITIES, LLC,
Debtor.

Affects:
☒ All Debtors
☐ USA Commercial Mortgage Company
☐ USA Securities, LLC
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA First Trust Deed Fund, LLC

Date: June 21, 2006
Time: 9:30 a.m.

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 Las Vegas, Nevada 89146-5308
 Tel: (702) 228-7590 • Fax: (702) 892-0122

IT IS HEREBY STIPULATED and AGREED by and between USA Commercial Mortgage Company, USA Securities, LLC, USA Capital Realty Advisors, LLC, USA Capital Diversified Trust Deed Fund, LLC, and USA Capital First Trust Deed Fund, LLC (collectively, the "Debtors") by and through their attorneys, the law firm of Schwartzer & McPherson and Ray Quinney & Nebeker; the Official Committee of Holders of Executory Contract Rights through USA Commercial Mortgage Company by and through its attorneys, Gordon & Silver, Ltd.; the Official Unsecured Creditors Committee by and through its counsel, Lewis and Roca, LLP; the Official Committee of Equity Security Holders of USA First Trust Deed Fund, LLC by and through its counsel, Stutman, Treister & Glatt, L.P. and Shea & Carlyon, Ltd.; the Official Committee of Equity Security Holders of USA Capital Diversified Trust Fund, LLC by and through its counsel, Orrick Herrington & Sutcliffe LLP and Beckley Singleton, Chtd.; (collectively, the "Committees") and the Office of the United States Trustee, by and through August B. Landis, Esq. (the "Trustee"); as follows:

WHEREAS, pursuant to the "Administrative Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals," entered on August 29, 2006 [Docket No. 1199] (the "Interim Compensation Order"), this Court has established certain procedures with respect to the interim compensation of professionals of the Debtors' estates;

WHEREAS, pursuant to the Interim Compensation Order, the second interim fee applications for the period of August 1, 2006 through November 30, 2006 were due on December 29, 2006 (the "Second Interim Fee Applications");

WHEREAS, on December 20, 2006, the Court made an oral ruling, confirming the "Debtors' Third Amended Joint Chapter 11 Plan of Reorganization" [Docket No. 1799] (the "Plan"), and the Court entered an order confirming the Plan on January 8, 2007 [Docket No. 2376];

WHEREAS, pursuant to the Plan, the deadline for filing applications for final allowance of compensation and reimbursement of expenses by all professionals or other entities requesting compensation or reimbursement of expenses under sections 327, 328, 330, 331, 503(b) and/or 1103 of the Bankruptcy Code for services rendered (the "Final Fee Applications") prior to the

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effective date of the Plan ("Effective Date") is no later than forty-five (45) days after the Effective Date;

WHEREAS, pursuant to the "Stipulation And Order Re Modification Of Administrative Order Establishing Procedures For Interim Compensation And Reimbursement Of Expenses Of Professionals" [Docket no. 2275], the Debtors and the Committees agreed that (i) if the Effective Date occurred on or before January 31, 2007, professionals of the Debtors' estates would not need file Second Interim Fee Applications and would seek compensation for all periods prior to the Effective Date in their respective Final Fee Applications and (ii) to the extent the Effective Date did not occur on or before January 31, 2007, Second Interim Fee Applications would be filed on or before February 15, 2007, and would include the period of August 1, 2006 through December 31, 2006.

WHEREAS, the Debtors and Committees anticipate that the Effective Date will not occur on or before January 31, 2007 but will occur in February 2007; and

WHEREAS, in an effort to minimize the costs to the Debtors' estates, the Debtors, the Committees and their respective professionals have agreed that (i) if the Effective Date occurs on or before February 28, 2007, professionals of the Debtors' estates need not file Second Interim Fee Applications and shall seek compensation for all periods prior to the Effective Date in their respective Final Fee Applications and (ii) to the extent the Effective Date does not occur on or before February 28, 2007, unless otherwise agreed by the parties, Second Interim Fee Applications shall be filed on or before March 15, 2007, and shall include the period of August 1, 2006 through January 31, 2007.

NOW, THEREFORE, the Parties hereby stipulate and agree as follows:

1. If the Effective Date occurs on or before February 28, 2007, professionals of the Debtors' estates need not file Second Interim Fee Applications, and shall seek compensation for all periods prior to the Effective Date in their respective Final Fee Applications in accordance with the procedures set forth in the Plan.

2. If the Effective Date does not occur on or before February 28, 2007, unless otherwise agreed by the parties, Second Interim Fee Applications (i) shall be filed on or before

March 15, 2007, (ii) shall include the period of August 1, 2006 through January 31, 2007, and (iii) any hearing thereon shall be scheduled for no earlier than April 14, 2007.

3. Professionals may continue to request monthly interim compensation and reimbursement of expenses through the Effective Date in accordance with the Interim Compensation Order.

4. The undersigned parties may informally extend dates with regard to such monthly compensation procedures, including extensions of the date for presentation of interim requests and the deadlines for serving objections thereto.

5. Notwithstanding anything to the contrary herein, nothing in this Stipulation and Order shall prejudice the right of any party to seek a further extension of the deadline or the requirement to file the Second Interim Fee Applications.

DATED this 6th day of January, 2007.

**RAY, QUINNEY & NEBEKER, P.C. and
SCHWARTZER & MCPHERSON LAW
FIRM**

By: /s/ Jeanette E. McPherson
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*Attorneys for the Debtors and Debtors in
Possession*

GORDON & SILVER, LTD.

By: /s/ Gregory M. Garman
Gerald M. Gordon, Esq.
Gregory M. Garman, Esq.
*Counsel for the Official Committee of Holders of
Executory Contract Rights of USA Commercial
Mortgage Company*

OFFICE OF THE U.S. TRUSTEE

By: /s/ August B. Landis
August B. Landis, Esq.
Scott A. Farrow, Esq.

**ORRICK, HERRINGTON & SUTCLIFFE
LLP and BECKLEY SINGLETON, CHTD.**

By: /s/ Marc A. Levinson
Marc A. Levinson, Esq.
Anne M. Loraditch, Esq.
*Counsel for the Official Committee of Equity
Security Holders of USA Capital Diversified
Trust Deed Fund, LLC*

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**SECOND STIPULATION AND ORDER RE MODIFICATION OF ADMINISTRATIVE
ORDER ESTABLISHING PROCEDURES FOR INTERIM COMPENSATION AND
REIMBURSEMENT OF EXPENSES OF PROFESSIONALS (AFFECTS ALL DEBTORS)**

**STUTMAN TREISTER & GLATT, L.P. and LEWIS AND ROCA, LLP
SHEA & CARLYON, LTD.**

By: /s/ Andrew S. Parlen
Eve Karasik, Esq.
Andrew Parlen, Esq.
Candace Carlyon, Esq.
*Counsel for the Official Committee of Equity
Security Holders of USA Capital First Trust
Deed Fund LLC*

By: /s/ Rob Charles
Susan M. Freeman, Esq.
Rob Charles, Esq.
*Counsel for the Official Committee
of Unsecured Creditors of USA Commercial
Mortgage Company*

IT IS SO ORDERED.

PREPARED AND SUBMITTED by:
RAY, QUINNEY & NEBEKER, P.C. and
SCHWARTZER & MCPHERSON LAW FIRM

By: /s/ Jeanette E. McPherson
Lenard E. Schwartzer, Esq.
Jeanette E. McPherson, Esq.
Attorneys for the Debtors and Debtors in Possession

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CERTIFICATE OF SERVICE

1. On February 8, 2007 I served the following document(s):

a. Notice of Entry of Order Second Stipulation And Order Re Modification Of
Administrative Order Establishing Procedures For Interim Compensation And Reimbursement Of
Expenses Of Professionals (Affects All Debtors)

2. I served the above-named document(s) by the following means to the persons as listed
below:

☒ a. **By ECF System:**

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NOE Second Stipulation Extending Time to File 2nd Interim Fee App

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NOE Second Stipulation Extending Time to File 2nd Interim Fee App

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NOE Second Stipulation Extending Time to File 2nd Interim Fee App

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22 ☐ b. **By United States mail, postage fully prepaid:**

23 ☐ c. **By Personal Service**

24 I personally delivered the document(s) to the persons at these addresses:

25 ☐ For a party represented by an attorney, delivery was made by handing the
26 document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or
27 other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place
28 in the office.

☐ For a party, delivery was made by handing the document(s) to the party or by
leaving the document(s) at the person's dwelling house or usual place of abode with someone of
suitable age and discretion residing there.

☐ d. **By direct email (as opposed to through the ECF System)**

Based upon the written agreement to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ e. **By fax transmission**

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

☐ f. **By messenger**

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service.

I declare under penalty of perjury that the foregoing is true and correct.

Signed on: February 8, 2007

Christi Vanderlip
(Name of Declarant)

/s/ Christi Vanderlip
(Signature of Declarant)

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